

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

<b>IN RE:</b>	§	
	§	
<b>Alberto Javier Rodriguez,</b>	§	<b>Case No. 21-51128-mmp</b>
	§	
<b>Debtor</b>	§	<b>Chapter 7</b>

**Motion to Sell a Boat, Motor and Trailer at an Internet Auction Free and Clear of Liens**

**TO ALL OTHER PARTIES IN INTEREST:**

**This pleading requests relief which may be adverse to your interests.**

**If no timely response is filed within 21 days from the date of service, the relief requested herein may be granted without a hearing being held.**

**A timely response is necessary for a hearing to be held.**

John Patrick Lowe, Trustee, makes and files this Motion, and in support thereof respectfully represents to the Court as follows:

**1.**

Movant is the Trustee in this Chapter 7 case. The case was commenced on September 15, 2021 as a Chapter 7 case and since that date the case has remained pending under that Chapter. This motion is filed by right of 11 United States Code §§363(b) and (f) and 704, Federal Rule of Bankruptcy Procedure 6004 and Local Rule 6004.

**2.**

The Debtor's amended Schedules disclose a 1993 Skeeter boat, outboard motor and trailer as assets of his estate. There is no claim of exemption in those assets. The Debtor discloses no lien against the 1993 Skeeter boat, outboard motor and trailer.

3.

The Trustee has sought authority from the Court to employ Mel T. Davis as the auctioneer for the estate to assist the Trustee in the liquidation of the 1993 Skeeter boat, outboard motor and trailer. Docket entry 14.

4.

The Trustee moves for leave to sell the 1993 Skeeter boat ( TX-9852-HB, identification number STEU0554G394), outboard motor (TX-4244-DM, identification number OG001502) and trailer at an internet auction through the auctioneer for the estate. The Trustee proposes that the sale be free and clear of any and all liens, claims, security interests and encumbrances, if any, with all of those matters, if any, to attach to the sales proceeds.

5.

The Trustee also moves that the sale be "as is", "where is", with all faults, without any warranties and without recourse against the Trustee or the bankruptcy estate.

6.

The Trustee also moves that the auctioneer for the estate retain from the gross sales proceeds his auctioneer's commission and actual, necessary expenses of sale and that he remit the net sales proceeds to the Trustee.

7.

The Trustee believes that the sale will not create a federal income tax liability for the bankruptcy estate.

8.

The Trustee also moves for leave to execute, acknowledge and deliver any instrument or record necessary to consummate or memorialize the sale.

9.

The Trustee also moves that the stay of Federal Rule of Bankruptcy Procedure 6004 (g) be vacated and terminated.

WHEREFORE, premises considered, the Trustee prays that he be authorized to sell the aforesaid assets, and for such other and further relief, as is just.

DATED: November 4, 2021.

Respectfully submitted,



John Patrick Lowe, Trustee  
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**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing Motion to Sell a Boat, Motor and Trailer at an Internet Auction Free and Clear of Liens, and the proposed Order, have been served on the parties on the attached Service List, by the CM/ECF system; or by First Class mail, postage prepaid; or by electronic mail within 2 days of the electronic filing of this Motion on this the 4<sup>th</sup> day of November 2021.



Patrick Lowe